

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)

Advanced Television Systems)
and Their Impact Upon the)
Existing Television Broadcast)
Service)

MM Docket No. 87-268

To: The Commission

SUPPLEMENT OF KMSB-TV

KMSB-TV, Inc., licensee of KMSB-TV (Channel 11), Tucson, Arizona, by its attorneys, hereby respectfully submits this supplement to its June 13, 1997 Petition for Reconsideration ("Petition") of the Commission's Sixth Report and Order ("Sixth R&O"), FCC 97-115, released April 21, 1997, 62 Fed. Reg. 26684 (May 14, 1997), with respect to the allocation of paired channel 25 to KMSB-TV for digital television ("DTV") service. This filing is made in response to the Commission's Order in DA-97-1377 (rel. July 2, 1997), which permits parties who petitioned for reconsideration of their DTV allotments to submit supplemental information by August 22, 1997.

In the original Petition, KMSB-TV requested to change its DTV allotment from channel 25 using the reference coordinates of its existing transmitter site at Mount Hopkins (31° 42' 18" N.L., 110° 55' 26" W.L.) to channel 21, using reference coordinates at Mount Bigelow (32° 24' 54" N.L., 110° 42' 59" W.L.). Petition at 2. By this supplement, KMSB-TV modifies the

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Petition by requesting only the relocation of channel 25 to Mount Bigelow. A change to channel 21 is no longer requested.

The Petition described the particular regulatory and commercial burdens confronted by KMSB-TV. In particular, the Commission has long acknowledged the unique status of KMSB-TV and the dependence of the station on the Tucson market for financial viability. *Id.* at 2-4. The Petition also demonstrated that KMSB-TV's transmitter site is about 40 miles south of Tucson at Mount Hopkins, whereas many other Tucson stations transmit from the primary antenna farm 12 miles northeast of Tucson at Mount Bigelow. *Id.* at 4. Since KMSB-TV's allocated DTV facility would operate from Mount Hopkins, viewers in the Tucson area would likely receive a substantially lower quality signal from the station than from other area television broadcasters. Accordingly, KMSB-TV requested that its DTV reference coordinates be modified to the Mount Bigelow site to improve the likelihood of success of its digital service. KMSB-TV also proposed that it be allocated DTV channel 21, based upon preliminary information derived from the National Association of Broadcaster's Alternative DTV Channel Assignments.

Upon further review of the proposed allotment following release of Office of Engineering and Technology Bulletin No. 69, KMSB-TV has determined that the allocation of channel 25 is satisfactory to provide service to the Tucson market, but that operation at Mount Bigelow would be significantly superior to the Commission's allotment at Mount Hopkins. As detailed in the attached engineering analysis of Smith and Fisher, KMSB-TV's existing DTV channel 25 allotment fails to meet separation requirements in six instances. The allotment is short spaced to two vacant co-channel allotments in Mexico, and is within the "taboo" range for four U.S. NTSC stations. By allocating DTV channel 25 at the proposed Mount Bigelow site, however, one Mexican short spacing and one taboo relationship are eliminated, and the remaining short

spacing and taboo problems are significantly alleviated. No new interference problems are created by the proposed relocation to Mount Bigelow.

Relocating DTV channel 25 to Mount Bigelow would substantially enhance the Commission's allotment priorities by improving the potential for interference-free DTV operations.¹ Further, improving the ability of KMSB-TV to deliver a high-quality DTV service to the Tucson metropolitan market would further the Commission's objective of making digital service a competitive reality. Accordingly, KMSB-TV respectfully requests that the Commission maintain the station's currently allotted DTV channel 25, but relocate the reference coordinates to Mount Bigelow.

Respectfully submitted,

KMSB-TV, INC.

By: 

James R. Bayes

Todd M. Stansbury

of

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Its Attorneys

August 22, 1997

¹ As noted in the Petition, KMSB-TV would continue to meet its obligation to provide a city-grade signal to the community of Nogales by operating a DTV translator or booster station. Petition at 6.

SMITH AND FISHER

BROADCASTING AND TELECOMMUNICATIONS CONSULTANTS

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NEIL M. SMITH
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(1926-1991)

August 22, 1997

Todd Stansbury, Esq.
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1776 K Street, NW
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Dear Todd:

Enclosed is my statement supporting the KMSB-TV supplement to its
Petition for Reconsideration in MM Docket No. 87-268.

Best regards,



Neil M. Smith

NMS/pas

Encl.

cc: Mr. Alfred G. Rouff

ENGINEERING STATEMENT

The engineering data contained herein have been prepared on behalf of KMSB-TV, INC., licensee of KMSB-TV, Channel 11, Tucson, Arizona, in support of its supplement to its Petition for Reconsideration in MM Docket No. 87-268.

In its original petition, KMSB-TV explained the unique historical circumstances that cause its NTSC facility to be located at Mount Hopkins, whereas the stations with which it competes are some forty miles to the north, closer to Tucson. From its site KMSB-TV can provide adequate service to most of the Tucson market, with the remainder covered by a translator. However, KMSB-TV now operates in the VHF band, while its DTV facility is to be in the UHF band, where the effects of natural and man-made terrain irregularities are more severe. Further, it is anticipated that receiving antenna orientation problems would adversely affect the reception of the KMSB-TV digital signal if the digital transmitting facility is colocated with the KMSB-TV analog facility.

For these reasons the KMSB-TV petition requested that it be allotted Channel 21, with site coordinates describing a site on Mount Bigelow, where several competing stations are located, instead of being allotted DTV Channel 25, colocated with the KMSB-TV analog facility. Channel 21 was selected because it had been identified by MSTV as being available for use at Mount Bigelow. Of course, at that time it was impossible to assure that this channel would indeed be appropriate.

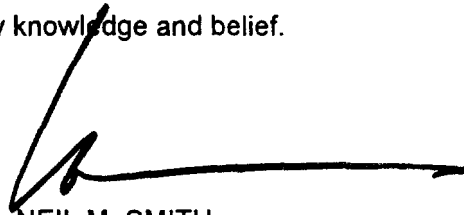
Upon further study, it appears that the KMSB-TV proposal should be modified. KMSB-TV's location within the Mexican border zone requires consideration of Mexican

allotments, but it is not possible to do so with any degree of confidence, since we do not know the appropriate ground rules for evaluating these Mexican allotments. We are therefore modifying the KMSB-TV proposal to specify no change in DTV channel, but simply to change the allotment coordinates from 31° 42' 18", 110° 55' 26" to 32° 24' 54", 110° 42' 59". As discussed below, we find that the use of DTV Channel 25 at the proposed Mount Bigelow site is an even better allotment than its use at Mount Hopkins, per the Commission's table.

Attached hereto is a tabulation of separations to pertinent allotments for both the present and the proposed sites. It may be seen that for the present site there are six instances in which the Commission's proposed separation requirements are not met, two of which involve vacant co-channel allotments in Mexico and the others relating to taboo channels. However, at the proposed site one of the co-channel problems disappears and the other is significantly alleviated. One of the taboo channel problems disappears, and the other three taboo spacings are reduced, which would reduce potential interference, since KMSB-TV would be more nearly colocated with these other facilities. As indicated on the tabulation, these spacings relate solely to NTSC allotments. No objectionable interference to digital allotments is predicted, regardless of site.

The Commission has selected Channel 25 for use by KMSB-TV and has thus determined that Channel 25 can be so used without unacceptable ill effects, either foreign or domestic, at the Mount Hopkins site. By changing the site as proposed, the potential for interference is reduced or eliminated in all cases. Thus, changing the allotment coordinates as proposed will make a good allotment much better.

I declare under penalty of perjury that the foregoing statements and the attached tabulation are true and correct to the best of my knowledge and belief.

A handwritten signature in black ink, consisting of a stylized 'N' followed by a horizontal line.

NEIL M. SMITH

August 21, 1997

ALLOCATION STUDY
DIGITAL CHANNEL 25, TUCSON, ARIZONA

Channel	Nearest Allotment(s)	Mileage Separation		
		Required	Present Site	Proposed Site
17	Alloc., Agua Prieta, SO	<15, >60	85.1	100.8
18	KTTU-TV, Tucson, AZ	<15, >60	<u>39.1</u>	<u>26.0</u>
20	Alloc., Magdalena, SO	<15, >60	74.1	123.8
21	Alloc., Caborca, SO	<15, >60	99.8	144.7
	KPAZ-TV, Phoenix, AZ	<15, >60	130.4	100.6
22	Alloc., Nogales, SO	<15, >60	<u>27.0</u>	77.1
23	Alloc., Safford, AZ	<15, >60	105.1	65.1
24	Alloc., Puerto Libertad, SO	<6, >55	161.9	208.2
25	Alloc., Sonoita, SO	152	<u>104.6</u>	<u>121.9</u>
	Alloc., Nacoziari, SO	152	<u>117.3</u>	153.1
26	Alloc., Cananea, SO	<6, >55	61.9	101.7
27	KUAS-TV, Tucson, AZ	<15, >60	<u>35.4</u>	<u>21.8</u>
28	Alloc., Douglas, AZ	<15, >60	84.7	100.7
29	Alloc., Hermosillo, SO	<15, >60	179.8	229.2
30	Alloc., Nueva Casas Grandes, CH	<15, >60	199.8	215.9
32	Alloc., Ciudad Juarez, CH	<15, >60	261.2	252.4
33	Alloc., Santa Ana, SO	<15, >60	80.8	131.1
	KTVW-TV, Phoenix, AZ	<15, >60	130.4	100.7
39	Appl., Phoenix, AZ	<15, >60	130.4	100.6
40	KHRR, Tucson, AZ	<15, >60	<u>39.1</u>	<u>26.0</u>

Spacing violations are underlined.

NOTE: All listed allotments are NTSC.